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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 JOSE VELASQUEZ-MORALES,

9 Petitioner,

10 v.

11 ICE FIELD OFFICE DIRECTOR,

12 Respondent.

Case No. C19-0515-RSM-MAT

ORDER APPOINTING FEDERAL  
PUBLIC DEFENDER

13  
14 Petitioner, who is currently detained at the Northwest Detention Center, filed this 28 U.S.C.  
15 § 2241 habeas action *pro se* to obtain release from immigration detention or a bond hearing. (Dkt.  
16 3.) On April 29, 2019, petitioner filed a motion to appoint counsel (Dkt. 5), which the Government  
17 did not oppose. On May 28, 2019, the Court denied petitioner's motion without prejudice because  
18 he had not provided any information to establish his financial eligibility as required by statute.  
19 (Dkt. 9.) The Court directed petitioner to refile a motion that addressed the interests of justice and  
20 submit an application to proceed *in forma pauperis* in order to establish financial eligibility. (*Id.*  
21 at 2.)

22 Petitioner has submitted an application to proceed *in forma pauperis*. (Dkts. 11, 14.) He  
23 has not, however, filed a renewed motion to appoint counsel. Given petitioner's *pro se* status, the

1 Court liberally construes his application to proceed *in forma pauperis*, which he filed in response  
2 to the Court's order denying his motion to appoint counsel without prejudice, as a request to  
3 appoint counsel.

4 When the interests of justice so require, the Court may appoint counsel to represent any  
5 financially eligible individual who is seeking relief under § 2241. 18 U.S.C. § 3006A(a)(2)(B). A  
6 person is financially eligible if he or she is "financially unable to obtain adequate representation .  
7 . . ." 18 U.S.C. § 3006A(a). Petitioner's application to proceed *in forma pauperis* establishes that  
8 he is financially eligible for the appointment of counsel. In addition, given the Government's  
9 arguments in its motion to dismiss, which are not regularly raised in immigration habeas actions  
10 in this District, the Court concludes that the interests of justice require the appointment of counsel.

11 Accordingly, the Court GRANTS petitioner's request for appoint of counsel and  
12 APPOINTS the Federal Public Defender for the Western District of Washington to represent  
13 petitioner in these proceedings.

14 **Within 14 days** of the date of the Order, the Federal Public Defender shall enter an  
15 appearance. **Within 21 days** of the date of this Order, the parties shall meet, confer, and propose  
16 a new noting date for the Government's motion to dismiss in order to allow the Federal Public  
17 Defender time to prepare and file a response on petitioner's behalf.

18 The Clerk is directed to send copies of this order to the parties, the Federal Public Defender,  
19 and the Honorable Ricardo S. Martinez.

20 Dated this 18th day of June, 2019.

21 

22 Mary Alice Theiler  
23 United States Magistrate Judge